

REMARKS

Claims 20-25, 29-30 and 38-39 are currently pending.

Claims 20, 21, 22, 24, 25 and 29 are hereby amended to overcome the objections to the claims noted in item No. 5 on page 2 of the Official Action; and for the most part to render moot the formal grounds for rejection under 35 U.S.C. §112 (2nd¶) as set forth in item No. 6 on pages 3 and 4 of the Official Action. Applicants believe the rejection "6d)" is moot in view of the amendment in line 5 of Claim 20. Applicants respectfully disagree that "on separate tracks" in line 5 of Claim 25 is improper. The language properly recites a further limitation and is not preceded by a word that would suggest a lack of antecedent basis, e.g. "the." Finally, regarding Claim 29, the limitation in Claims 20 and 39 is not on the number of electrodes but rather the number of electrodes that must have either a "band-shape" or "a multitude of straight electrode sections...".

On the merits, the Examiner has rejected Claims 20-24, 29 and 38/20 under 35 U.S.C. §102(a) as anticipated by the Fiedler et al. article. The arguments advanced in support of this rejection are set forth in item No. 9 on pages 5-7 of the Official Action, and not herein repeated. Applicants respectfully traverse this rejection.

Applicants note that the Examiner has allowed Claim 39, for the reasons set forth in item 12 on pages 7-8; and has indicated that Claims 25 and 30 are previously allowable. Claim 25 has now been amended, although Applicants have taken the position that the phrase "on separate tracks" is proper and does not lack antecedent basis. Nevertheless, it is noted that both Claim 25 and 30 still remain dependent directly or indirectly on rejected claims.

Claim 20 as noted above stands rejected under 35 U.S.C. §102(a). All remaining rejected claims depend directly or indirectly from Claim 20. Accordingly, Applicants comments are

addressed to the rejection of Claim 20 which, if successful, and found allowable, should result in all claims depending therefrom being found allowable.

The Examiner's rejection of Claim 20 appears to be the result of a misunderstanding. Claim 20 defines in particular at least one microelectrode having a band-shape with a parabolic or hyperbolic curvature relative to the x- and y-directions. It is emphasized that the Fiedler et al. reference does not disclose or suggest this feature. Fiedler et al. only show in Figure 5 electrode tips which are rounded as the result of the manufacturing process. While the rounded tips can be described as having a parabolic curvature, Claim 20 defines the band-shape as having the parabolic or hyperbolic curvature. In contrast, the electrodes described by Fiedler et al. have straight, linear limitations.

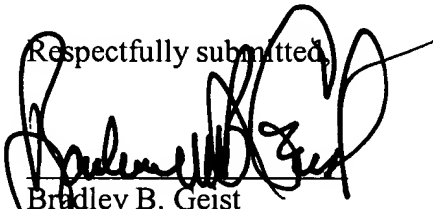
Further, Fiedler et al. are completely silent with regard to the requirement that the band-shaped electrodes have a predetermined curvature. Some electrodes described by Fiedler et al. have a certain inclination relative to the direction of the channel, like e.g. the funnel electrode or other parts illustrated in Figure 4 C. However, in each case all electrodes have straight limitations.

The Examiner has referred to Figure 6, which again shows electrodes with linear, straight shapes only. The Fiedler et al. reference is attached hereto and shows further details of Figure 6A-C.

It is correct that Figure 6C shows a particle stream through the device having a certain curvature. This curvature is not a sharp image of the field barrier shape generated by the conventional straight electrodes but rather the result of superimposing the conventional straight field barrier with streaming effects within the channel. Again, the parabolic or hyperbolic band-shape of electrodes is not shown in Figure 6.

The Examiner has stated with reference to Figure 5A that "all eight electrodes have curved portions" (page 5 of the office action, last line). Again, claim 20 does not define electrodes with curved portions but electrodes having a band-shape with a parabolic or hyperbolic curvature. The band-shape as such has a curvature. This is not disclosed in the publication of Fiedler et al..

In view of the amendments and remarks, Applicants respectfully request reconsideration of the pending claims.

Respectfully submitted,

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